

01
02
03
04
05
06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR03-292-MJP
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 ISAAC PALI KONA, JR.) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
13

14 An evidentiary hearing on supervised release revocation in this case was scheduled before
15 me on December 20, 2007. The United States was represented by AUSA Douglas Whalley for
16 Susan Roe and the defendant by Peter Mazzone. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about March 17, 2004, by the Honorable Marsha J.
18 Pechman on a charge of Unlawful Possession of a Firearm, and sentenced to 21 months custody,
19 2 years supervised release. (Dkt. 30.)

20 The conditions of supervised release included the standard conditions plus the requirements
21 that defendant be prohibited from possessing a firearm, submit to mandatory drug testing,
22 participate in substance abuse treatment, abstain from alcohol and not possess alcohol, submit to

SUMMARY REPORT OF U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE
PAGE -1

01 search and provide financial information to his probation officer.

02 On November 4, 2005, the defendant's probation officer reported that defendant had tested
03 positive for the use of cocaine and marijuana. Defendant was reprimanded, placed in a structured
04 testing program, referred for counseling and referred for intensive outpatient treatment. (Dkt. 31.)

05 On August 17, 2006, defendant admitted violating the conditions of supervision by
06 consuming marijuana and failing to report to his probation officer. (Dkt. 39.) He was sentenced
07 to 13 days with credit for time served, plus supervised release for 23 months on the previous
08 conditions, plus additional conditions requiring cooperation in DNA collection, and participation
09 in a home confinement program with electronic monitoring for up to 90 days.

10 On December 1, 2006, defendant admitted violating the conditions of supervised released
11 by producing a urine sample that tested positive for marijuana, although not admitting that he had
12 used marijuana. (Dkt. 47.) No further action was taken at the time.

13 In an application dated October 9, 2007 (Dkt. 50), U.S. Probation Officer Angela M.
14 McGlynn alleged the following violations of the conditions of supervised release:

15 1. Committing the crime of theft on or about March 15, 2007 in violation of the
16 standard condition that the defendant shall not commit another federal, state, or local crime.

17 2. Failing to be truthful to the United States Probation Officer since March 15, 2007,
18 in violation of standard condition number 3.

19 3. Leaving the judicial district of the Western District of Washington without
20 permission on or about July 22, 2007, in violation of standard condition number 1.

21 Defendant was advised in full as to those charges and as to his constitutional rights.

22 Defendant admitted the alleged violations and waived any evidentiary hearing as to

whether they occurred. (Dkt. 56.)

I therefore recommend the Court find defendant violated his supervised release as alleged, and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be set before Judge Pechman.

Pending a final determination by the Court, defendant has been released on the conditions of supervision.

DATED this 20th day of December, 2007.


Mary Alice Theiler
United States Magistrate Judge

cc:	District Judge:	Honorable Marsha J. Pechman
	AUSA:	Douglas Whalley, Susan Roe
	Defendant's attorney:	Peter Mazzone
	Probation officer:	Angela M. McGlynn